

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ELAINE JACKSON and DEWAYNE
CHARLESTON,

Plaintiffs,

VS.

WALLER INDEPENDENT SCHOOL
DISTRICT.

Defendant.

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CIVIL ACTION NO. H-07-3086

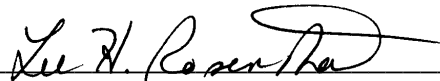
ORDER

Service of this action, filed on September 24, 2007, has not been effected. Federal Rule of Civil Procedure 4(m) provides in part:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

In accordance with this rule, it is ORDERED that plaintiffs file proof that they have effected service no later than **February 1, 2008**. Failure to do so may lead to dismissal of this action without prejudice. The initial pretrial and scheduling conference set for January 25, 2008 is canceled. It will be reset, if appropriate, once proof of service has been filed.

SIGNED on January 10, 2008, at Houston, Texas.



Lee H. Rosenthal
United States District Judge